

NEWS RELEASE

*OFFICE OF THE UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF ILLINOIS*

*RONALD J. TENPAS
UNITED STATES ATTORNEY*

Nine Executive Drive, Fairview Heights, Illinois 62208, Telephone (618) 628-3700

For Immediate Release

October 18, 2005

Ronald J. Tenpas, United States Attorney for the Southern District of Illinois, announced today that on September 7, 2005, **LESTER ROBERT ERB, JR.**, age 48, last known address in Jellico, Tennessee; **LESTER ROBERT ERB, III**, last known address in Jellico, Tennessee; **LARRY G. BUNNER**, age 33, last known address in Jellico, Tennessee; and **TIM O. BOWEN**, last known address in Jellico, Tennessee, were named in an eleven count Indictment returned by a Federal Grand Jury sitting in Benton, Illinois.

This case arises out the April 9, 2003, death of coal miner Adam Scott and the subsequent investigation into the cause of his death.

Counts 1, 2, and 3 charge **LESTER ROBERT ERB, JR.**, with making or using false Mine Safety and Health Administration Certificate of Training forms in violation of Title 18, United States Code, Sections 1001 and 2.

Counts 4 and 5 charge **LESTER ROBERT ERB, JR.**, with making material false statements and representations to employees of the Mine Safety and Health Administration in violation of Title 18, United States Code, Sections 1001 and 2.

Counts 6 and 7 charge **LESTER ROBERT ERB, III**, with making material false statements and representations to employees of the Mine Safety and Health Administration in violation of Title 18, United States Code, Sections 1001 and 2.

Counts 8 and 9 charge **LARRY G. BUNNER** with making material false statements and representations to employees of the Mine Safety and Health Administration in violation of Title 18, United States Code, Sections 1001 and 2.

Counts 10 and 11 charge **TIM O. BOWEN** with making material false statements and representations to employees of the Mine Safety and Health Administration in violation of Title 18, United States Code, Sections 1001 and 2.

Each of the counts in the indictment carries, upon conviction, a penalty of up to 5 years imprisonment, a fine of up to \$250,000, and a term of supervised release of up to 3 years. All federal sentences of imprisonment are served without possibility of parole.

An indictment is a formal charge against a defendant. Under the law, a defendant is presumed to be innocent of a charge until proved guilty beyond a reasonable doubt to the satisfaction of a jury.

The investigation in this case was conducted by the Mine Safety and Health Administration and the Illinois Department of Natural Resources, Office of Mines and Minerals.

The case is being prosecuted by Assistant United States Attorney George A. Norwood.